

BURNS DOANEBURNS DOANE SWECKER & MATHIS LLP
ATTORNEYS AT LAWALEXANDRIA, VIRGINIA
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Alexandria, Virginia 22313-1404**TELEPHONE:** +1.703.836.6620**FACSIMILE:** +1.703.836.2021 (Group 3)
+1.703.836.0028 (Group 4)**DATE:** November 18, 2003

RECIPIENT INFORMATION	SENDER INFORMATION
To: Ms. McDowell	From: Scott W. Cummings
Voice Tel. No.: 703-308-9477	Voice Tel. No.: 703-838-6680
Fax Tel. No.: 703-308-7749	Sent By: G. Harrell
Your Ref.:	Our Ref.: 024444-902
	Total Pages (Incl. Cover Page): 23

RE: U.S. Patent Application No. 09/878,240**MESSAGE:**

Per your request, please see the attached.

Best Available Copy

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Patent
Attorney's Docket No. 024444-902

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Mattias BERGLUND et al.)	Group Art Unit: 3722
)	
Application No.: 09/878,240)	Examiner: Unassigned
)	
Filed: June 12, 2001)	Confirmation No.: 3796
)	
For: TWO-PIECE ROTARY METAL-)	
CUTTING TOOL AND METHOD)	
FOR INTERCONNECTING THE)	
PIECES)	

**REQUEST/PETITION TO ACCEPT MISSING PARTS AS BEING
TIMELY FILED DUE TO NON-RECEIPT OF OFFICIAL COMMUNICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants transmit herewith a copy of U.S. Patent No. 5,971,673 in double-column format pursuant to 37 C.F.R. § 1.173(a)(1) for the above-identified application.

RELIEF REQUESTED

Applicants respectfully request that the attached patent copy be considered as being timely submitted, and that Applicants not be charged with an extension of time under the provisions of 37 C.F.R. § 1.17. To the extent that Applicants are charged with such an extension of time, this paper should be considered as a request for a refund of any charged extension of time fees in connection with the filing of missing parts in this application.

DOCKETED
filed 10-23-03

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Should the application be considered abandoned, it is requested that the holding of abandonment be withdrawn.

STATEMENT OF PERTINENT FACTS

On June 12, 2001, Applicants' representative prepared and filed the present application in the U.S. Patent and Trademark Office. The application was accompanied by a copy of the above-mentioned patent, a transmittal form, a Preliminary Amendment, a check in the amount of \$950.00, a Declaration in Support of Reissue, an offer to surrender the patent, and assent of the assignee, Power of Attorney and a statement under 37 C.F.R. §3.73(b) (see, e.g., the Reissue Patent Application Transmittal Letter submitted with said application on June 12, 2001).

On July 23, 2001, Applicants received a Filing Receipt having a mailing date of July 18, 2001.

On October 1, 2001, Applicants filed a Supplemental Declaration in Support of Reissue.

On November 5, 2001, Applicants received a Notice of Publication of Application.

Having not received any further communications from the Patent Office, Applicants filed a written Status Inquiry on December 16, 2002. To date, there has been no reply to Applicants' Status Inquiry.

On September 8, 2003, Applicants' representative contacted the Office of Initial Patent Examination (OIPE) by telephone to inquire about the status of the application.

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Subsequent calls were also placed on September 24, 2003 and September 29, 2003, also attempting to ascertain the status of the case.

On October 14, 2003, Applicants' representative spoke by telephone with Ms. Linda McDowell, who was able to ascertain from the file that, according to the Patent Office's records, a Notice to File Missing Parts was mailed to Applicants on July 18, 2001, and that no response to the Notice has been received from the Applicants. Applicants' representative requested that a copy of the Notice be faxed to him. Apparently, the actual Notice to File Missing Parts is also absent from the Patent Office file, however, Applicants did receive a copy of a Reissue Supplement to a Notice to File Missing Parts of Application with a mailing date of July 18, 2001. A copy of this document (received on October 14, 2003) is attached.

Applicants never received a copy of the Notice to File Missing Parts or the Reissue Supplement, prior to October 14, 2003.

Attached to this paper is a copy of Applicants' representative's docket record in which any such Notice to File Missing Parts with a mailing date of July 18, 2001 would have been recorded for this application (Attorney reference 024444-902) if received. As indicated by the attached record, no such Notice was ever recorded. The attached docket record has been redacted to protect clients' confidential information.

Thus, Applicants have established non-receipt of the Official Communication pursuant to the procedures outlined, for example, in MPEP § 711.03(c).

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DISCUSSION

Based on the above, it is clear that Applicants' representative did not receive a Notice to File Missing Parts in the above-identified application.

Upon detection of the error, the attached response supplying the missing requirements in the above-identified application have been timely prepared and filed.

Therefore, Applicants respectfully request that the attached patent copy be considered as having been timely filed and that no extensions of time be charged under the circumstances discussed above.

While Applicants do not believe that a petition is necessary under the circumstances, to the extent that the relief requested requires a petition, this paper should be considered as a Petition pursuant to the provisions of 37 C.F.R. § 1.181 to accept the attached patent copy as satisfying the requirements for filing the above-identified application in a timely manner and/or to withdraw a holding of abandonment. Applicants' representative hereby authorizes any necessary charges in connection with this Request/Petition to be charged to Applicants' representative's Deposit Account No. 02 4800, and to credit Applicants' representative's Deposit Account with any refunds or overcharges.

CONCLUSION

For these reasons noted above, Applicants respectfully request the attached patent copy be accepted without a charge for a petition and/or an extension of time. Should any further questions arise with regard to the above, it is requested that the undersigned be

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contacted so that any such issues may be adequately addressed and prosecution of the
instant application expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 23, 2003

By: 

Scott W. Cummings
Registration No. 41,567

P.O. Box 1404
Alexandria, Virginia 22313 1404
(703) 836-6620

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DUE	PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILAB
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03 Mon	RLG/KBL/CJB	040070-424	[REDACTED]	[REDACTED]	[REDACTED]	FFAR	1	1
09 Sun	REK/KS/—	032491-015	[REDACTED]	[REDACTED]	[REDACTED]	Demand for Chapter 2	0	0
13 Thu	MAD/—/—	032055-019	[REDACTED]	[REDACTED]	[REDACTED]	30 Mo Instruct Req	0	0
15 Sat	GFS/—/—	002010-651	[REDACTED]	[REDACTED]	[REDACTED]	Power Attorney Due	1	1
15 Sat	GFS/—/—	002010-651	[REDACTED]	[REDACTED]	[REDACTED]	Assignment Due	1	1
15 Sat	JWP/CHJ/—	025265-204	[REDACTED]	[REDACTED]	[REDACTED]	SC -File Application	0	0
15 Sat	TGD/TSR/DHY	028722-266	[REDACTED]	[REDACTED]	[REDACTED]	Response to OA	3	3
15 Sat	AXW/—/DBM	032390-053	[REDACTED]	[REDACTED]	[REDACTED]	Resp to Invitation	0	0
15 Sat	REK/—/—	032493-051	[REDACTED]	[REDACTED]	[REDACTED]	Response Due	0	0
15 Sat	GFS/RMH/—	032978-016	[REDACTED]	[REDACTED]	[REDACTED]	Notice of Appeal	3	3
16 Sun	RLG/SWP/PCM	040000-552	[REDACTED]	[REDACTED]	[REDACTED]	FFAR	1	1
16 Sun	REK/—/—	010063-088	[REDACTED]	[REDACTED]	[REDACTED]	Resp to Written Opn	0	0
17 Mon	RLG/KBL/SMS	027557-099	[REDACTED]	[REDACTED]	[REDACTED]	SC -File Application	0	0
7 Mon	TGD/KJM/—	033297-100	[REDACTED]	[REDACTED]	[REDACTED]	SC -File Application	0	0
8 Tue	PNM/—/—	000400-866	[REDACTED]	[REDACTED]	[REDACTED]	File Convention Appl	0	0
8 Tue	GFS/MAD/MAD	000476-177	[REDACTED]	[REDACTED]	[REDACTED]	Action Needed	0	0
8 Tue	RLG/MGS/MJC	000500-103	[REDACTED]	[REDACTED]	[REDACTED]	Final Rejection Resp	0	0

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18 Tue	RLG/MGS/MJC	000500-103	[REDACTED]	[REDACTED]	[REDACTED]	Notice of Appeal	0	3 Ex/1 M
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18 Tue	RLG/MGS/MJC	000500-111	[REDACTED]	[REDACTED]	[REDACTED]	Final Rejection Resp	0	3 Ex/1 M
18 Tue	RLG/MGS/—	000500-152	[REDACTED]	[REDACTED]	[REDACTED]	SC - 1st OA	0	N
18 Tue	RLG/SMD/—	000500-291	[REDACTED]	[REDACTED]	[REDACTED]	Inf Disclosure Stmt	2	1 Ex/1 M
18 Tue	RLG/MGS/MJC	000500-313	[REDACTED]	[REDACTED]	[REDACTED]	File Con/Div Appln	0	0 Ex/1 M
18 Tue	PNM/—/—	001560-386	[REDACTED]	[REDACTED]	[REDACTED]	Response to OA	1	2 Ex/1 M
18 Tue	JWP/JAL/PWM	001580-157	[REDACTED]	[REDACTED]	[REDACTED]	Status Check	0	No
18 Tue	JWP/WLW/—	001580-536	[REDACTED]	[REDACTED]	[REDACTED]	Response to OA (2Mo)	1	3 Ex/1 M
18 Tue	TGD/—/—	002004-019	[REDACTED]	[REDACTED]	[REDACTED]	Oral Hearing Date	0	No
18 Tue	TGD/—/—	002004-269	[REDACTED]	[REDACTED]	[REDACTED]	Response to OA	0	1 Ex/2 M
18 Tue	BSD/—/—	002250-100	[REDACTED]	[REDACTED]	[REDACTED]	Inf Disclosure Stmt	0	1 Ex/1 M
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18 Tue	BSD/HRB/—	003300-484	[REDACTED]	[REDACTED]	[REDACTED]	Appeal Brief Due	0	5 Ex/1 M
18 Tue	BSD/—/—	003300-677	[REDACTED]	[REDACTED]	[REDACTED]	File Utility Appln	0	No
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18 Tue	BSD/—/—	003300-837	[REDACTED]	[REDACTED]	[REDACTED]	SC - File Application	0	No
18 Tue	BSD/—/—	003300-838	[REDACTED]	[REDACTED]	[REDACTED]	SC - File Application	0	No
18 Tue	RLG/MGS/—	004080-106	[REDACTED]	[REDACTED]	[REDACTED]	Response to OA	0	3 Ex/1 M

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DUE	ATTY/ATTY2	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT AVAILAB
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18 Tue	WLM/—/—	004612-049				Response to OA	0 3 ExU1 M
18 Tue	NHS/TRW/IAS	004695-002				Appeal Brief Due	1 4 ExU1 M
18 Tue	BSD/—/—	006450-301				SC - Office Action	0 Nc
18 Tue	PNM/RS/JEME	006838-030				Response to OA	2 1 ExU1 M
18 Tue	RDH/BJB/—	008111-006				SC - File Application	0 Nc
18 Tue	SCM/—/—	008608-014				Response to OA	2 1 ExU1 M
18 Tue	AEK/—/—	009743-003				SC - 1st OA	0 No
18 Tue	RLG/WCR/—	010315-145				SC - File Application	8 3 ExU1 M
18 Tue	BJB/AEK/—	013550-077				Missing Parts (2 Mo)	0 5 ExU1 M
18 Tue	WCR/—/—	015291-024				SC - File Appln	7 4 ExU1 M
18 Tue	CFW/—/—	015955-006				Response to OA	0 3 ExU1 M
18 Tue	EJG/JDB/MAS	016499-339				SC - Missing Parts	0 Nc
18 Tue	EJG/—/—	016499-487				Missing Parts (2 Mo)	0 5 ExU1 M
18 Tue	FGM/PCK/—	017750-508				SC - File Appln	5 6 ExU1 M
18 Tue	REK/GFS/RMH	018240-029				SC - File Appln	11 Non
18 Tue	REK/GFS/PFH	018240-030				Action Needed	1 Non
18 Tue	REK/GFS/RMH	018240-040				SC - File Application	10 1 ExU1 M
18 Tue	REK/GFS/RMH	018240-041				SC - File Application	0 1 ExU1 M
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18 Tue	REK/GFS/RMH	018240-042				SC -File Application	1	1	Noi
18 Tue	PNM/HRB/-	018976-197				Inf Disclosure Stmt	0	3 Ex/U1 Mn	18:05
18 Tue	PNM/RGM/-	019519-308				Inf Disclosure Stmt	2	1 Ex/U1 Mn	
18 Tue	RLG/-/-	019570-174.001				Notice of Appeal	1	2 Ex/U1 Mn	
18 Tue	SCM/TSR/DMG	020600-285				Response to OA	1	2 Ex/U1 Mn	
18 Tue	PKS/-/-	021238-293				Ask Client re FF	0		
18 Tue	PKS/-/-	021238-298				Ltr. Pat Received?	1	5 Ex/U1 Mn	BURNS
18 Tue	PKS/-/-	021238-308				SC -File Application	9	2 Ex/U1 Mn	DOANE
18 Tue	NHS/MKB/-	022650-451				Missing Parts (2 Mo)	3	2 Ex/U1 Mn	
8 Tue	TSR/MKM/CLN	022927-008				Notice of Appeal	0	3 Ex/U1 Mn	
8 Tue	TSR/MKM/CLN	022927-008				Final Rejection Resp	0	3 Ex/U1 Mn	
8 Tue	PNM/JAL/-	024060-102.001				SC - 1st OA	0	None	
8 Tue	RLG/SWC/-	024444-560				Notice of Appeal	0	3 Ex/U1 Mn	
8 Tue	RLG/SWC/-	024444-560				Final Rejection Resp	0	3 Ex/U1 Mn	
8 Tue	BSD/-/-	025200-041				Ask Client re FF	0	None	
3 Tue	RES/RJM/-	025220-005				Secrecy Renewed?	0	None	703
1 Tue	RES/RJM/-	025220-012.001				Secrecy Renewed?	0	None	836
1 Tue	RES/RJM/-	025220-027				Secrecy Renewed?	0	None	2021
1 Tue	JWP/CHJ/-	025265-144				Notice of Appeal	2	1 Ex/U1 Mn	P. 18/23
1 Tue	RLG/MKS/RJL	026125-012.001				File Utility Appl	0	None	
1 Tue	GFS/MAD/MAD	026579-340				SC -File Application	6	5 Ex/U1 Mn	

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8 Tue PNM/DHP/—	027260-471				Inf Disclosure Stmt	0	3 Ex/1 Mnth		
8 Tue RLG/MGS/—	027540-285				Status Check	0	None		
8 Tue RLG/ARB/—	028870-145				Annulity Due	0	1 Ex/6 Mnth		
8 Tue RLG/ARB/—	028870-198				Annulity Due	0	2 Ex/6 Mnth		
8 Tue RLG/ARB/—	028870-201				Annulity Due	0	1 Ex/6 Mnth		
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3 Tue RLG/ARB/—	028870-202				Annulity Due	0	1 Ex/6 Mnth		
8 Tue REK/CK/—	029300-273				Action Needed	0	None		
1 Tue AEK/—/—	029866-008				Filing Details	0	None		
1 Tue CFW/JLC/—	030581-140				SC - Issue Notify	0	None		
1 Tue CFW/—/—	030581-158				Response to OA	0	3 Ex/1 Mnth		
1 Tue CFW/—/—	030581-309				Inf Disclosure Stmt	0	3 Ex/1 Mnth		
1 Tue REK/MDR/—	031994-025				Notice of Appeal	0	3 Ex/1 Mnth		
1 Tue REK/MDR/—	031994-025				Final Rejection Resp	0	3 Ex/1 Mnth		
1 Tue REK/—/—	031994-183				Resp to Invitation	0	1 Ex/1 Mnth		
1 Tue REK/JPO/—	032001-031				SC - 1st OA	1	None		
1 Tue REK/—/—	032001-050				SC -File Application	8	3 Ex/1 Mnth		
1 Tue REK/AJC/—	032005-097				Inf Disclosure Stmt	1	2 Ex/1 Mnth		
1 Tue EJG/—/—	032013-023				SC - 1st OA	0	None		
1 Tue WGR/AJC/—	032224-008				Response to OA	0	None		

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18 Tue	JAL/-/-	032326-088		[REDACTED]		[REDACTED]			SC - 1st OA	0	No	
18 Tue	JAL/-/-	032326-098		[REDACTED]		[REDACTED]			Notify Client of FF	0	No	
18 Tue	WCR/-/-	032364-007		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	1	2 Ex/1 Mnt	
18 Tue	JWP/CAL/-	032405-053		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	0	3 Ex/1 Mnt	
18 Tue	GAH/CAL/-	032423-003		[REDACTED]		[REDACTED]			Cor of Nlc of Record	0		
18 Tue	JWP/WLW/-	032535-034		[REDACTED]		[REDACTED]			30 Mo Instruct Req	0	No	
18 Tue	RLG/SWC/-	032566-011		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	0	3 Ex/1 Mnt	
18 Tue	CAL/-/-	032580-003		[REDACTED]		[REDACTED]			Notify Client of FF	1	No	
18 Tue	REK/-/-	032660-018		[REDACTED]		[REDACTED]			SC - File Application	1	No	
18 Tue	JWP/PCK/-	032758-003		[REDACTED]		[REDACTED]			SC - File Application	8	3 Ex/1 Mnt	
18 Tue	REK/JW/-	032802-005		[REDACTED]		[REDACTED]			Response to OA	0	3 Ex/1 Mnt	
18 Tue	HRB/-/-	032944-055		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	0	3 Ex/1 Mnt	
18 Tue	REK/-/-	033076-001		[REDACTED]		[REDACTED]			SC - File Application	0	1 Ex	
18 Tue	CFW/SWC/-	033136-188		[REDACTED]		[REDACTED]			SC - File Application	0	No	
18 Tue	NHS/-/-	033168-004		[REDACTED]		[REDACTED]			Notify Client of FF	0	No	
8 Tue	CFW/-/-	033261-009		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	2	1 Ex/1 Mnt	
8 Tue	CFW/-/-	033261-010		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	2	1 Ex/1 Mnt	
8 Tue	CFW/-/-	033261-012		[REDACTED]		[REDACTED]			Inf Disclosure Stmt	2	1 Ex/1 Mnt	
8 Tue	RSS/SWC/-	033275-062		[REDACTED]		[REDACTED]			Notice of Appeal	0	3 Ex/1 Mnt	
8 Tue	RSS/SWC/-	033275-062		[REDACTED]		[REDACTED]			Final Rejection Resp	0	3 Ex/1 Mnt	

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September continued...								
18 Tue	RSS/EPB/	032275-092				Issue Fee Due	0	11 Ex/U1 Mth
18 Tue	MAD/MAD/	033352-008				SC - File Application	0	11 Ex/U1 Mth
18 Tue	RLG/SMD/	040010-899				Notify Client of FF	0	Nc
18 Tue	RLG/SWP/BLB	040010-938				Ask Client re FF	0	No
18 Tue	RLG/MGS/	040020-268.002				Missing Parts (2 Mo)	0	5 Ex/U1 Mth
ue	RLG/MGS/TXT	040020-270.001				Missing Parts (2 Mo)	0	5 Ex/U1 Mth
18 Tue	RLG/KBU/PLC	040070-622				Subst Declaration	2	1 Ex/U1 Mth
18 Tue	RLG/KBU/PLC	040071-114				30 Mo Instruct Req	0	Nor
18 Tue	RLG/KBU/PLC	040071-118				30 Mo Instruct Req	0	Nor
18 Tue	RLG/KBU/SMS	040071-693				Missing Parts (2 Mo)	0	5 Ex/U1 Mth
19 Wed	EJG/	000348-199				Missing Parts (2 Mo)	1	4 Ex/U1 Mth
*ed	PNM/	000400-864				File Convention Appl	0	Non
19 Wed	GFS/LJB/	000475-235				Response to OA	3	Non
19 Wed	RLG/DMM/	000500-296				Missing Parts (2 Mo)	0	5 Ex/U1 Mth
9 Wed	RLG/	000510-007				SC - Filing Receipt	0	Non
9 Wed	RLG/WCR/	000515-175				Response to OA	0	3 Ex/U1 Mth
9 Wed	RGM/SMD/	000951-138				Missing Parts (2 Mo)	0	5 Ex/U1 Mth
9 Wed	RLG/BS/KLW	001560-371				Final Rejection Resp	0	3 Ex/U1 Mth

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Application Number:

09/878240

Attachment to Paper No.:

Date Mailed 07/18/01

REISSUE SUPPLEMENT
NOTICE TO FILE MISSING PARTS OF APPLICATION

This Reissue Supplement is an attachment to:

- ☐ "Notice to File Missing Parts of Application" Filing Date Granted
- ☐ "Notice of Incomplete Application" No filing Date Granted

The item(s) indicated below as missing must be filed within the period for reply set on the attached form to avoid abandonment.

Correction of the following is required to complete the reissue application:

☒ 1. The reissue specification has not been provided in double-column format as is required by 37 CFR 1.173(a)(1).

☐ 2. Consent of the assignee is missing. 37 CFR 1.172 requires that the reissue oath/declaration be accompanied by the written consent of all assignees.

☐ 3. Consent of the assignee is present, but is unsigned. A statement of consent bearing the signature of an official authorized to act on behalf of the assignee(s) must be provided.

☐ 4. Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.72 requires that all assignees consenting to the reissue establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b). See MPEP Sec. 324.

☐ 5. Assignee's statement under 37 CFR 3.73(b) is present, but is unsigned. A 37 CFR 3.73(b) statement bearing the signature of an official authorized to act on behalf of the assignee must be provided.

C.M. Lund
Customer Service Center
Initial Patent Examination Division (703) 308-1202

RECEIVED

OCT 14 2003

BURNS DOANE
SWECKER & MATHIS, LLP.

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